



Mitchell C. Shelowitz
Tel. (212) 655-9384
Fax. (646) 328-4569
mshelowitz@saiaaws.com

April 11, 2008

Via Federal Express Overnight Delivery

Michael Korik, Esq.
Monaghan, Monaghan, Lamb & Marchisio, LLP
28 West Grand Avenue
Montvale, NJ 07645

Re: **Bryant et al. v. Media Right et al. (Civil No.: 07-3050)**

Dear Michael:

This letter is further to our status conference before Judge Smith, which took place on Friday, March 28, 2008. The Court requested that we provide additional information as follows:

1. Date of birth and Social Security number of Sam Perlman, a former employee of The Orchard, if available;
2. The definition of "Inception" as set forth in the printout produced by The Orchard containing the royalties paid by it to Media Right for digital sales of Plaintiffs' recordings (the "Spreadsheets"); and
3. Judge Smith's request that I speak with The Orchard employee, who was with the company in 2000 to inquire as to whether he has any knowledge regarding Media Right, Gloryvision, and/or the subject matter of this case.

We have looked into these matters and are happy to report the following:

1. **Sam Perlman's Personal Information** - Mr. Perlman's Social Security number is 348-62-1916. After a diligent search, our client was unable to locate Mr. Perlman's date of birth.
2. **Meaning of "Inception" in the Spreadsheets** - The date of "Inception" in the Spreadsheets, which were produced to the Plaintiffs, is January 1, 2004. This was confirmed by Peter Cairis, the Director of Royalties at The Orchard. Attached hereto as Exhibit "A" is a printout detailing the digital activity "Songs for Cats" and "Songs for Dogs" from January 1, 2004 until April 8, 2008. According to Mr. Cairis, there were no digital sales of Plaintiffs' recordings prior to January 1, 2004. In fact, before iTunes was launched in approximately April 2004, The Orchard's digital music sales were meager, and virtually all of The Orchard's revenues originated from the sale of Compact Disks ("CDs").



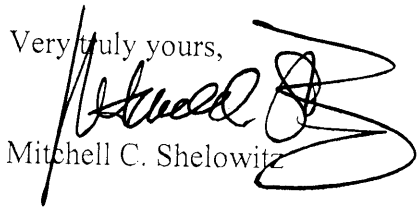
April 11, 2008
Page 2

The Orchard was able to retrieve records of sales of Plaintiffs' CDs from April 1, 2002, which were compiled on April 8, 2008 and are attached hereto as Exhibit "B." According to these printouts, The Orchard generated a meager \$2.88 in revenues from CD sales of "Songs for Dogs" and \$0.68 from "Songs for Cats," while Media Right generated \$7.00 in revenues from CD sales of "Songs for Dogs" and \$1.58 from "Songs from Cats." The Orchard possesses no CD sales records prior to April 1, 2002 for these titles.

3. **Steve Haase's Lack of Knowledge** – Pursuant to Judge Smith's request, I personally spoke with the Mr. Steve Haase, who is currently the Vice President of Business Development for The Orchard and who was the General Manager of the Orchard in 2000. Mr. Haase had no recollection of Media Right Productions, nor any knowledge of Gloryvision or its recordings "Songs for Dogs" and "Songs for Cats."

I also personally spoke with Mr. Scott Cohen, The Orchard's Vice President of International Sales, who is based in London, England. Mr. Cohen was based in New York in 2000 and recalled the titles of Plaintiff's recordings because, according to Mr. Cohen, in or around 2000, The Orchard also distributed similar but unrelated recordings titled "Music for Dogs" and "Music for Cats." Aside from the titles of Plaintiffs' recordings, and the fact that Mr. Maxwell had other collections of "niche" compositions, Mr. Cohen possessed no further knowledge regarding the Plaintiffs.

Very truly yours,



Mitchell C. Shelowitz

cc: The Honorable Lisa Margaret Smith

EXHIBIT "A"

DIGITAL ACTIVITY FROM SONGS FOR CATS AND SONGS FOR DOGS FROM JAN. 1, 2004 THROUGH APRIL 8, 2008

SONGS FOR CATS

Quarters	Gross	Adjusted Gross	Net	Publishing - Ringtone	Server Fixation Fees	Publishing - Mechanical
2004 Q1	\$9.53	\$9.53	\$6.67	\$0.00	\$0.00	\$0.00
2004 Q2	\$12.82	\$12.82	\$8.97	\$0.00	\$0.00	\$0.00
2004 Q3	\$12.54	\$12.54	\$8.78	\$0.00	\$0.00	\$0.00
2004 Q4	\$16.17	\$16.17	\$11.32	\$0.00	\$0.00	\$0.00
2005 Q1	\$18.88	\$18.88	\$13.21	\$0.00	\$0.00	\$0.00
2005 Q2	\$18.25	\$18.25	\$12.77	\$0.00	\$0.00	\$0.00
2005 Q3	\$22.09	\$22.09	\$15.46	\$0.00	\$0.00	\$0.00
2005 Q4	\$5.70	\$5.70	\$3.99	\$0.00	\$0.00	\$0.00
2006 Q1	\$21.50	\$21.50	\$15.05	\$0.00	\$0.00	\$0.00
2006 Q2	\$10.21	\$10.21	\$7.15	\$0.00	\$0.00	\$0.00
2006 Q3	\$18.98	\$18.98	\$13.28	\$0.00	\$0.00	\$0.00
2006 Q4	\$7.84	\$7.84	\$5.49	\$0.00	\$0.00	\$0.00
2007 Q1	\$15.06	\$15.06	\$10.54	\$0.00	\$0.00	\$0.00
2007 Q2	\$5.06	\$5.06	\$3.54	\$0.00	\$0.00	\$0.00
2007 Q3	\$0.77	\$0.77	\$0.54	\$0.00	\$0.00	\$0.00
2007 Q4	\$0.02	\$0.02	\$0.01	\$0.00	\$0.00	\$0.00
2008 Q1	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total	\$195.40	\$195.40	\$136.78	\$0.00	\$0.00	\$0.00

OMS Fees	Recoup	Label Share	Orchard Share
\$0.00	\$0.00	\$6.67	\$2.86
\$0.00	\$0.00	\$8.97	\$3.85
\$0.00	\$0.00	\$0.00	\$3.76
\$0.00	\$0.00	\$19.64	\$4.85
\$0.00	\$0.00	\$13.67	\$5.66
\$0.00	\$0.00	\$12.77	\$5.47
\$0.00	\$0.00	\$15.46	\$6.63
\$0.00	\$0.00	\$4.00	\$1.71
\$0.00	\$0.00	\$15.05	\$6.45
\$0.00	\$0.00	\$7.15	\$3.06
\$0.00	\$0.00	\$13.28	\$5.69
\$0.00	\$0.00	\$5.49	\$2.35
\$0.00	\$0.00	\$10.54	\$4.52
\$0.00	\$0.00	\$3.54	\$1.52
\$0.00	\$0.00	\$0.54	\$0.23
\$0.00	\$0.00	\$0.01	\$0.01
\$0.00	\$0.00	\$0.00	\$0.00
\$0.00	\$0.00	\$136.78	\$58.62

SONGS FOR DOGS

Quarters	Gross	Adjusted Gross	Net	Publishing - Ringtone	Server Fixation Fees	Publishing - Mechanical
2004 Q1	\$16.91	\$16.91	\$11.84	\$0.00	\$0.00	\$0.00
2004 Q2	\$13.75	\$13.75	\$9.63	\$0.00	\$0.00	\$0.00
2004 Q3	\$15.81	\$15.81	\$11.07	\$0.00	\$0.00	\$0.00
2004 Q4	\$19.00	\$19.00	\$13.30	\$0.00	\$0.00	\$0.00
2005 Q1	\$26.57	\$26.57	\$18.60	\$0.00	\$0.00	\$0.00
2005 Q2	\$46.04	\$46.04	\$32.23	\$0.00	\$0.00	\$0.00
2005 Q3	\$38.08	\$38.08	\$26.66	\$0.00	\$0.00	\$0.00
2005 Q4	\$42.76	\$42.76	\$29.93	\$0.00	\$0.00	\$0.00
2006 Q1	\$30.99	\$30.99	\$21.69	\$0.00	\$0.00	\$0.00
2006 Q2	\$38.71	\$38.71	\$27.10	\$0.00	\$0.00	\$0.00
2006 Q3	\$18.53	\$18.53	\$12.97	\$0.00	\$0.00	\$0.00
2006 Q4	\$25.62	\$25.62	\$17.93	\$0.00	\$0.00	\$0.00
2007 Q1	\$33.27	\$33.27	\$23.29	\$0.00	\$0.00	\$0.00
2007 Q2	\$15.59	\$15.59	\$10.91	\$0.00	\$0.00	\$0.00
2007 Q3	\$1.88	\$1.88	\$1.31	\$0.00	\$0.00	\$0.00
2007 Q4	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2008 Q1	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total	\$383.51	\$383.51	\$268.46	\$0.00	\$0.00	\$0.00

OMS Fees	Recoup	Label Share	Orchard Share
\$0.00	\$0.00	\$11.84	\$5.07
\$0.00	\$0.00	\$9.62	\$4.13
\$0.00	\$0.00	\$0.00	\$4.74
\$0.00	\$0.00	\$24.37	\$5.70
\$0.00	\$0.00	\$18.60	\$7.97
\$0.00	\$0.00	\$32.23	\$13.81
\$0.00	\$0.00	\$26.65	\$11.42
\$0.00	\$0.00	\$29.94	\$12.83
\$0.00	\$0.00	\$21.69	\$9.30
\$0.00	\$0.00	\$27.10	\$11.61
\$0.00	\$0.00	\$12.97	\$5.56
\$0.00	\$0.00	\$17.93	\$7.69
\$0.00	\$0.00	\$23.29	\$9.98
\$0.00	\$0.00	\$10.91	\$4.68
\$0.00	\$0.00	\$1.31	\$0.56
\$0.00	\$0.00	\$0.00	\$0.00
\$0.00	\$0.00	\$0.00	\$0.00
\$0.00	\$0.00	\$268.46	\$115.05

EXHIBIT "B"

TOTAL ACTIVITY FROM CD SALES FOR SONGS FOR CATS AND SONGS FOR DOGS FROM 4/1/2002 TO 4/8/2008

Songs for Cats

Quarters	Gross	Returns	Reserves (25%)	Label Share Net Receipts	Cost	Reserves Liquidation	Recoup	Label Share	Orchard Share
2002 Q2	\$0.00	\$0.00	\$0.00	\$0.00	(\$0.29)	\$0.00	\$0.00	\$0.00	\$0.00
2002 Q3	\$18.82	\$0.00	\$4.70	\$9.88	(\$0.39)	\$0.00	\$0.00	\$0.00	\$0.00
2002 Q4	\$0.00	(\$9.41)	\$0.00	(\$6.59)	(\$0.10)	\$0.00	\$0.00	\$0.00	\$0.00
2003 Q1	\$0.00	\$0.00	\$0.00	\$0.00	(\$2.00)	\$4.70	\$0.00	\$0.00	\$0.00
2003 Q2	\$0.00	(\$9.41)	\$0.00	(\$6.59)	(\$1.00)	\$0.00	\$0.00	\$0.00	\$0.00
2003 Q3	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1.58	\$0.68
2003 Q4	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total	\$18.82	(\$18.82)	\$4.70	(\$3.29)	(\$3.78)	\$4.70	\$0.00	\$1.58	\$0.68

Songs for

Dogs

Quarters	Gross	Returns	Reserves (25%)	Label Share Net Receipts	Cost	Reserves Liquidation	Recoup	Label Share	Orchard Share
2002 Q2	\$9.60	\$0.00	\$2.40	\$5.04	(\$0.43)	\$0.00	\$0.00	\$0.00	\$0.00
2002 Q3	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2002 Q4	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2.40	\$0.00	\$0.00	\$0.00
2003 Q1	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2003 Q2	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2003 Q3	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2003 Q4	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$7.00	\$2.88
Total	\$9.60	\$0.00	\$2.40	\$5.04	(\$0.43)	\$2.40	\$0.00	\$7.00	\$2.88

Date Compiled-4/8/2008
Compiled By- Peter Cairis